



ATTORNEY GENERAL OF MISSOURI
ERIC SCHMITT

June 11, 2021

Office of the Clerk of the Court
Attn: Cathy Gould
United States District Court
for the Eastern District of Missouri
Southeastern Division
555 Independence Street
Cape Girardeau, MO 63703
(573) 331-8800

Re: Request for Service of Process on Foreign Defendants
in *Missouri ex rel. Schmitt v. People's Republic of China et al.*
No: 1:20-cv-00099-SNLJ

Dear Ms. Gould,

In connection with the above-caption case, we are writing to request that you take all necessary steps, pursuant to 28 U.S.C. § 1608(a)(4), to effect service on the following Defendants:

- People's Republic of China
- National Health Commission of the People's Republic of China
- Ministry of Emergency Management of the People's Republic of China
- Ministry of Civil Affairs of the People Republic of China
- People's Government of Hubei Province
- People's Government of Wuhan City

As we noted in our Motion to Authorize Alternative Methods of Service Under 28 U.S.C. § 1608 and Federal Rule of Civil Procedure 4, ECF No. 19, service under § 1608(a)(1) and (a)(2) could not be made. Specifically, no "special arrangement" between Missouri and the Defendants exists, and the Defendants objected to service under the applicable international convention—the Hague Convention. *See id.* at 4, 11. Further, China has objected to service through postal channels, and so service per § 1608(a)(3) would have been futile. *See id.* at 12.

Thus, Plaintiff State of Missouri, through Attorney General Eric Schmitt, requests that the Clerk dispatch the alternative means of service provided for under 28 U.S.C. § 1608(a)(4), as the Court authorized and directed by its Order dated May 11, 2021. *See* ECF No. 22.

In these circumstances, pursuant to 28 U.S.C. § 1608(a)(4), the Clerk of Court shall send two copies of the summons and complaint, plus a notice of suit, together with a translation of each (in this case a Chinese translation), “by any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the Secretary of State in Washington, District of Columbia, to the attention of the Director of Special Consular Services” The Secretary of State shall then take steps to effect service through diplomatic channels.

Pursuant to 28 U.S.C. § 1608(a)(4), I have enclosed: (1) two copies of the Complaint; (2) two copies of the summons; (3) two copies of the Notice of Suit (attached to each of which is a copy of the Foreign Sovereign Immunities Act); and (4) two copies of each document translated into Chinese, the official language of the People’s Republic of China.

Please take the necessary steps to dispatch these materials to effect service on Defendants pursuant to 28 U.S.C. § 1608(a)(4). The State Department provides the following address to use when dispatching the above documents to the Department:

Secretary of State
Attn: Director of Special Consular Services
U.S. Department of State
L/CA/POG/GC, SA-17, 10th Floor
Washington, DC 20522-1710
Attn: FSIA

Sincerely,

/s/ D. John Sauer

D. John Sauer

Attorney for Plaintiff State of Missouri

cc: Director of the Office of Special Consular Services, U.S. Department of State